

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY  
PROPOSED REGULATORY LANGUAGE

Underlined text is originally proposed new language.

Adopt California Code of Regulations, Title 16, Division 39, Sections 4180, 4181, 4182, 4183, and 4184 as follows:

Article 9. Supervision of Occupational Therapy Assistants, Limited Permit Holders,  
Students, and Aides

§ 4180. Definitions

In addition to the definitions found in Business and Professions Code sections 2570.2 and 2570.3 the following terms are used and defined herein:

- (a) “Client related tasks” means tasks performed as part of occupational therapy services rendered directly to the client.
- (b) “Level I student” means an occupational therapy or occupational therapy assistant student participating in activities designed to introduce him or her to fieldwork experiences and develop an understanding of the needs of clients.
- (c) “Level II student” means an occupational therapy or occupational therapy assistant student participating in delivering occupational therapy services to clients with the goal of developing competent, entry-level practitioners.
- (d) “Non-client related tasks” means clerical, secretarial and administrative activities; transportation of patients/clients; preparation or maintenance of treatment equipment and work area; taking care of patient/client personal needs during treatments; and assisting in the construction of adaptive equipment and splints.
- (e) “Periodic” means at least once every 30 days.

Note: Authority cited: Sections 2570.13 and 2570.20, Business and Professions Code.  
Reference: Sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, and 2570.13, Business and Professions Code.

§ 4181. Supervision Parameters

- (a) Appropriate supervision of an occupational therapy assistant includes, at a minimum:
  - (1) The weekly review and inspection of all aspects of occupational therapy services by the supervising occupational therapist.
  - (2) Documentation of the supervision process shall include documentation of the client’s care or co-signature by the supervising occupational therapist of the occupational therapy assistant’s documentation.
  - (3) The supervising occupational therapist shall be readily available in person or by telecommunication to the occupational therapy assistant at all times while the

- occupational therapy assistant is providing occupational therapy services. The supervising occupational therapist shall provide periodic on-site supervision and observation of the assigned client care rendered by the occupational therapy assistant.
- (b) The supervising occupational therapist shall at all times be responsible for all occupational therapy services provided by an occupational therapy assistant, a limited permit holder, a student or an aide. The supervising occupational therapist has continuing responsibility to follow the progress of each client, provide direct care to the client, and assure that the occupational therapy assistant, limited permit holder, student or aide do not function autonomously.
  - (c) The level of supervision for all personnel is determined by the supervising occupational therapist whose responsibility it is to ensure that the amount, degree, and pattern of supervision are consistent with the knowledge, skill and ability of the person being supervised.
  - (d) Occupational therapy assistants may supervise:
    - (1) Level I occupational therapy students;
    - (2) Level I and Level II occupational therapy assistant students; and
    - (3) Aides providing non-client related tasks.
  - (e) The supervising occupational therapist shall determine that the occupational therapy assistant or limited permit holder possesses a current certificate or permit to practice occupational therapy prior to allowing the person to provide occupational therapy services.

Note: Authority cited: Sections 2570.13 and 2570.20, Business and Professions Code.  
Reference: Sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, and 2570.13, Business and Professions Code.

#### § 4182. Treatments Performed by Occupational Therapy Assistants

- (a) The supervising occupational therapist shall determine the occupational therapy treatments the occupational therapy assistant may perform. In making this determination, the supervising occupational therapist shall consider the following:
  - (1) the clinical complexity of the patient/client;
  - (2) skill level of the occupational therapy assistant in the treatment technique; and
  - (3) whether continual reassessment of the patient/client status is needed during treatment.

This rule shall not preclude the occupational therapy assistant from responding to acute changes in the client's condition that warrant immediate action. The occupational therapy assistant shall inform the supervising occupational therapist immediately of the acute changes in the patient's/client's condition and the action taken.
- (b) The supervising occupational therapist shall assume responsibility for the following activities regardless of the setting in which the services are provided:
  - (1) Interpretation of referrals or prescriptions for occupational therapy services.
  - (2) Interpretation and analysis for evaluation purposes.
    - (A) The occupational therapy assistant may contribute to the evaluation process by gathering data, administering standardized tests and reporting observations. The occupational therapy assistant may not evaluate independently or initiate treatment before the supervising occupational therapist performs an assessment/evaluation.

- (3) Development, interpretation, implementation, and modifications of the treatment plan and the discharge plan.
- (A) The supervising occupational therapist shall be responsible for delegating the appropriate interventions to the occupational therapy assistant.
- (B) The occupational therapy assistant may contribute to the preparation, implementation and documentation of the treatment and discharge summary.

Note: Authority: Sections 2570.13 and 2570.20, Business and Professions Code. Reference: Sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, and 2570.13, Business and Professions Code.

#### § 4183. Treatments Performed by Occupational Therapy Limited Permit Holders and Students

- (a) Consistent with Code section 2570.4, subdivisions (b) and (c), a Level II student may, at the discretion of the supervising occupational therapy practitioner, be assigned duties or functions commensurate with his or her education and training.
- (b) All documented client-related services by the limited permit holder or student shall be reviewed and cosigned by the supervising occupational therapist.

Note: Authority: Sections 2570.13 and 2570.20, Business and Professions Code. Reference: Sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, and 2570.13, Business and Professions Code.

#### § 4184. Delegation of Tasks to Aides

- (a) The primary function of an aide in an occupational therapy setting is to perform routine tasks related to occupational therapy services. Non-client related tasks may be delegated to an aide when the supervising occupational therapy practitioner has determined that the person has been appropriately trained and has supportive documentation for the performance of the services.
- (b) Client related tasks that may be delegated to an aide include specifically selected routine aspects of an intervention session. In addition to the requirements of Code section 2570.2, subdivisions (a) and (b), the following factors must be present when an occupational therapist delegates a selected aspect of an intervention to an aide:
  - (1) The outcome anticipated for the aspects of the intervention session being delegated is predictable.
  - (2) The situation of the client and the environment is stable and will not require that judgement or adaptations be made by the aide.
  - (3) The client has demonstrated previous performance ability in executing the task.
  - (4) The aide has demonstrated competence in the task, routine and process.
- (c) The supervising occupational therapist shall **not** delegate to an aide the following tasks:
  - (1) Performance of occupational therapy evaluative procedures;
  - (2) Initiation, planning, adjustment, or modification of treatment procedures.
  - (3) Acting on behalf of the occupational therapist in any matter related to occupational therapy treatment that requires decision making.

- (d) All documented client related services shall be reviewed and cosigned by the supervising occupational therapist.

Note: Authority: Sections 2570.13 and 2570.20, Business and Professions Code. Reference: Sections 2570.2, 2570.4 and 2570.13, Business and Professions Code.

Dated: \_\_\_\_\_

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Gretchen KJose, Executive Officer